

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HECTOR CODY ORTIZ, III,

**Plaintiff,**

v.

## PIERCE COUNTY, et al.,

## Defendants.

Case No. 3:22-cv-05947-JLR-TLF

## ORDER GRANTING MOTION FOR LEAVE TO AMEND

This matter comes before the Court on plaintiff Hector Cody Ortiz's motion to amend his complaint. Dkt. 46. NaphCare defendants Maria Ordóñez and Johnathan Slothower filed a response indicating they do not oppose plaintiff's motion. Dkt. 48. The remaining defendants (Pierce County, Patti Jackson Kidder, Gayle Pero and Miguel Balderrama) did not file a response. For the reasons set forth below, the Court grants plaintiff's motion for leave to amend.

Pursuant to Fed. R. Civ. P. 15(a), at this point in the litigation, plaintiff "may amend [his] pleading only by leave of the court or by written consent of the adverse party; and leave shall be freely given when justice so requires." In determining whether to allow an amendment to a complaint Courts consider the following factors: "the presence or absence of undue delay, bad faith, dilatory motive, undue prejudice to the opposing party, and futility of the proposed amendment." *Moore v. Kayport Package Express, Inc.*, 885 F.2d 531, 538 (9th Cir. 1989).

1       Here, plaintiff's complaint does not seek to add defendants and the current  
2 defendants do not object to amendment. There is no evidence of undue delay, bad faith  
3 or dilatory motive, undue prejudice to the current defendants, nor can the Court say at  
4 this early stage of the action that the amendment is futile. Accordingly, the Court finds  
5 plaintiff should be permitted to amend his complaint under the circumstances.

6       Plaintiff's motion to file an amended complaint (Dkt. 46) is GRANTED. Plaintiff is  
7 directed to file the proposed amended complaint (Dkt. 47, Attachment A) without track  
8 changes as the operative complaint by May 15, 2024 pursuant to LCR 15(a).

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10 Dated this 1st day of May, 2024.

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Theresa L. Fricke

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14 Theresa L. Fricke  
United States Magistrate Judge